

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

In the Matter of )  
 )  
 Allocation of the Band 218-219 MHz ) File No.  
 To a New Two-Way Paging Service )  
 In the Paging and Radiotelephone Service )  
 To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYPETITION FOR RULE MAKING

Regionet Wireless License, LLC (RegioNet), by its attorney, respectfully requests that the Commission amend its Rules to reallocate the band 218 MHz to 219 MHz to paging in the Paging and Radiotelephone Service and to permit responses from two-way paging units in the band 216 MHz to 217 MHz. In support of its position, RegioNet shows the following.

RegioNet is licensee of Automated Maritime Telecommunications System (AMTS) stations which serve the Atlantic and Pacific Coasts, the west coast of Florida, the Great Lakes, the Hudson River and the Erie Canal. Accordingly, RegioNet is experienced in the operation of Commercial Mobile Radio Service systems on frequencies in the band 216-220 MHz and is well qualified to recommend appropriate uses of the band.

History of the Bands 216-217 MHz and 218-219 MHz

When the Commission allocated frequencies for AMTS, it allocated four groups of channels: A, B, C, and D. The coast station transmit frequencies of Groups C and D were in the band 216-217 MHz and the Group C and D ship station transmit frequencies were in band

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218-219 MHz. In 1992, before any AMTS station had used the Group C or D channels, the Commission reallocated the band 218-219 MHz to the Interactive Video and Data Service (IVDS). The reallocation of the 218-219 MHz band ship station frequencies to IVDS left the C Group and D Group coast station frequencies orphans for four years.

The Commission is well aware that IVDS has not been successful, and it is not necessary to rehearse the unfortunate events here. The history is well explained in the Commission's Order, Memorandum Opinion and Order and Notice of Proposed Rulemaking ("LPRS Order") in WT Docket 98-169, 13 FCC Rcd 19064 (1998).

Among the likely reasons for the lack of success of the IVDS was that it was overtaken by events. TV Answer, Inc. filed its petition for rule making in 1987. Four years later, the Commission proposed allocating a portion of the 218-219 MHz band to IVDS. After full consideration, the Commission allocated the 218-219 MHz band to the IVDS in 1992. Eighteen licenses were granted by lottery in nine major cities in 1994. In that same year, the Commission decided to grant the remaining IVDS licenses by auction and the Commission held the auction a short time later. Following the auction, difficulties led to a prolonged court appeal. Concurrently, the Internet was attracting interest and had begun to grow rapidly. Cable television penetration was also increasing rapidly, and in some areas cable television systems have been overbuilt with two-way capacity and that rebuilding continues apace. Thus, by the time that IVDS service might have become practical, competing services, and the convergence of the Internet and cable television had rendered IVDS essentially obsolete.

The Commission well outlined the history of the 216-217 MHz band in its Report and Order in WT Docket No. 95-56, 11 FCC Rcd 18517 (1996) ("216 MHz Order"). In the 216 MHz Order, the Commission allocated the band 216-217 MHz to the Low Power Radio Service (LPRS), and the subband 216.750 to 217.0 MHz to point-to-point network control use by AMTS licensees. To date, there are only three licensees of AMTS systems, and additional use could be made of the subband.<sup>1</sup>

#### A More Productive Use For Spectrum

In 1996, just as the paging business was reaching unprecedented heights of consumer acceptance, the Commission imposed a freeze on the filing of applications for new paging stations, a freeze which has not yet been lifted, see, Memorandum Opinion and Order and Order on Reconsideration and Third Report and Order in WT Docket No. 96-18, \_\_\_\_\_ FCC Rcd \_\_\_\_\_ (FCC 99-98 Released May 13, 1999). The Commission will, at some time, accept applications for and conduct auctions for new paging licenses, but if the pent-up demand for new, competitive paging service is to be met, additional spectrum should be allocated for paging service.

RegioNet believes that there is a substantial demand for two-way paging, and believes that the demand requires an adequate frequency allocation. Increases in subscribership have

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<sup>1</sup> RegioNet believes that manufacturers and users have factored into their plans the recognition that ten of the forty 25 kHz wide channels are allocated for AMTS point-to-point network control use.

become crucial to a large carrier's obtaining financing for operation on the frequencies which are currently allocated for paging, therefore, few carriers have been willing to take the risk of losing subscribership on existing frequencies by offering a premium service. At the same time, competition in the industry has driven service prices down to the point that few carriers have been willing to make the investments required to offer two-way paging across wide areas. To encourage the industry to develop two-way paging and provide it to the public widely, an additional frequency allocation is needed.

The term "two-way paging" should be explained. A base station transmitter transmits a signal to selectively activate a certain pager and follows the activation with a message. The pager includes both a receiver and a low power response transmitter. Typically, the pager user can return a response from a menu of standard data messages, such as "Yes", "No", "Okay", or "I'll be late". A burst of low power data from the pager identifies the unit and sends a small number of bits which represent the response message. Listening to a group of response receivers distributed throughout its service area, the carrier's system automatically selects the best signal from the responding pager. The carrier's system converts the small number of message bits into an intelligible form and sends the reconstructed message to the person who initiated the page. Thus, the pager user is able "talk back" to the originator of the page.

#### A New Look At Protection Of Existing Users Is Needed

Separately, RegioNet has filed a petition for rulemaking in which RegioNet presented the results of tests on some 50 television receivers. Copies of those test results and an associated

technical report are attached hereto as Exhibits I and II. The test results demonstrate that contemporary television receivers are a great deal better than the five receivers which were tested in 1975 to establish the Commission's basis for regulation of the 216 to 220 MHz band.<sup>2</sup> The Commission should review the test data which RegioNet has submitted and consider whether the power limitations imposed on the 218-219 MHz Service are still justified in light of improvements in technology.

The Commission has established a table of maximum effective radiated powers for a 218-219 MHz Service cell transmitter station, see, 47 C.F.R. §95.855, and the limitations imposed currently make operation of a paging base station in the band impracticable. Based on its experience in operation on frequencies which are believed to pose some potential for interference to reception of Channel 13 television stations, RegioNet recommends that the Commission authorize two-way paging base station operation in the 218 to 219 MHz band at effective radiated powers of up to 1000 watts.<sup>3</sup>

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<sup>2</sup> RegioNet's report shows that in the band 218-219 MHz, contemporary TV receivers are more than 35 dB better at rejecting adjacent channel interference than were the receivers tested in 1975.

<sup>3</sup> The paging base stations will typically operate at established commercial sites and will not be located atop television receivers, as had been contemplated for IVDS response transmitter units.

Operation of the paging response transmitters would conform to the technical limitations of the LPRS. Therefore, all that is required to authorize use of the LPRS band for paging response receivers is to add a sentence to the list of authorized uses of the spectrum.

#### Licensing of Two-Way Paging Systems

The Commission should grant two-way paging licenses by combining authorization for operation of a 25 kHz wide channel in the 218-219 MHz Service with authorization for the corresponding response channel (2 MHz lower) in the LPRS.<sup>4</sup> The licensee would enjoy the authority to operate paging base stations in the 218-219 MHz Service and paging response transmitters in the LPRS. RegioNet strongly supports the currently pending Commission proposal to allow licensees in the 218-219 MHz Service to return their licenses and be relieved of further liability to the Commission,<sup>5</sup> thereby giving the Commission the ability to make better use of the spectrum for two-way paging. Regardless of whether a 218-219 MHz Service licensee decided to retain its license, the Commission should grant a combined Paging and Radio Telephone license in each area and leave it to the Paging and Radiotelephone licensee to make

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<sup>4</sup> Alternatively, operation of paging response receivers in the LPRS would not be specifically authorized by license, but eligibility for such use would be limited to persons licensed for operation of the corresponding frequency in the 218-219 MHz Service.

<sup>5</sup> Order, Memorandum Opinion and Order and Notice of Proposed Rulemaking in WT Docket No. 98-169, \_\_\_\_\_ FCC Rcd \_\_\_\_\_ (FCC 98-228 Released September 17, 1998). The Commission may desire to give interested persons the opportunity to comment on RegioNet's instant petition as a counter-proposal in that proceeding.

an arrangement with the incumbent 218-219 MHz Service licensee to enable the provision of two-way paging service.

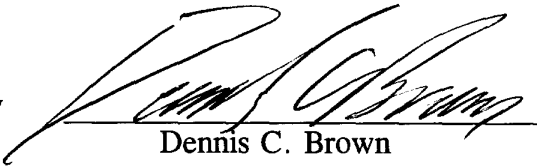
From the days of voice messaging using bins of continuously circulating audio tape to advanced modulation schemes that make 100,000 units per channel possible, paging has been a success story in the provision of radio communication services to the public. Not all services, including IVDS in the 218-219 MHz band, have met with similar success. The level of interest which the Commission found in Narrowband Personal Communications Service paging licensing demonstrates that the public wants more paging and carriers want more spectrum to meet that demand. The 216-220 MHz band enjoys better propagation at lower cost than the spectrum allocated to PCS, is well suited to two-way paging, and should provide the public with more and broader choices. Accordingly, the Commission should take immediate steps to allocate the identified spectrum to its highest and best use.

Conclusion

For all the foregoing reasons, RegioNet respectfully requests that the Commission reallocate spectrum in the band 216-220 MHz as suggested herein.

Respectfully submitted,  
REGIONET WIRELESS LICENSE, LLC

By

A handwritten signature in black ink, appearing to read "Dennis C. Brown", is written over a horizontal line.

Dennis C. Brown

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Dated: June 10, 1999